

ARTICLE 9. SANCTIONS

5:12-111 Penalties for willful evasion of payment of license fees, other acts and omissions

Any person who willfully fails to report, pay or truthfully account for and pay over any license fee or tax imposed by the provisions of this act, or willfully attempts in any manner to evade or defeat any such license fee, tax, or payment thereof is guilty of a crime of the fourth degree and subject to the penalties therefor, except that the amount of a fine may be up to \$25,000.00, and in the case of a person other than a natural person, the amount of a fine may be up to \$100,000.00, and shall in addition be liable for a penalty of three times the amount of the license fee evaded and not paid, collected or paid over, which penalty shall be assessed by the commission and collected in accordance with the provisions of this act.

L.1977, c. 110, § 111, eff. June 2, 1977.

Amended by:

L.1991, c. 182, § 43, eff. June 29, 1991.

5:12-112 Unlicensed casino gambling games unlawful; penalties

a. Any person who violates the provisions of sections 80 or 82 or of Article 7 of this act or permits any gambling game, slot machine or device to be conducted, operated, dealt or carried on in any casino or simulcasting facility by a person other than a person licensed for such purposes pursuant to this act is guilty of a crime of the fourth degree and subject to the penalties therefor, except that the amount of a fine may be up to \$25,000.00, and in the case of a person other than a natural person, the amount of a fine may be up to \$100,000.00.

b. Any licensee who places games or slot machines into play or displays such games or slot machines in a casino or simulcasting facility without authority of the commission to do so is guilty of a crime of the fourth degree

and subject to the penalties therefor, except that the amount of a fine may be up to \$25,000.00, and in the case of a person other than a natural person, the amount of a fine may be up to \$100,000.00.

c. Any person who operates, carries on or exposes for play any gambling game, gaming device or slot machine after his license has expired and prior to the actual renewal thereof is guilty of a crime of the fourth degree and subject to the penalties therefor, except that the amount of a fine may be up to \$25,000.00, and in the case of a person other than a natural person, the amount of a fine may be up to \$100,000.00.

L.1977, c. 110, § 112, eff. June 2, 1977.

Amended by:

L.1991, c. 182, § 45, eff. June 29, 1991.

L.1993, c. 292, § 26, eff. Dec. 21, 1993.

5:12-113 Swindling and cheating; penalties

a. A person is guilty of swindling and cheating if the person purposely or knowingly by any trick or sleight of hand performance or by a fraud or fraudulent scheme, cards, dice or device, for himself or herself or for another, wins or attempts to win money or property or a representative of either or reduces a losing wager or attempts to reduce a losing wager in connection to casino gaming.

b. Consolidation of offenses. Conduct denominated swindling and cheating in this section constitutes a single offense, but each episode or transaction may be the subject of a separate prosecution and conviction. A charge of swindling and cheating may be supported by evidence that it was committed in any manner that would be swindling and cheating under this section, notwithstanding the specification of a different manner in the indictment or accusation, subject only to the power of the court to ensure a fair trial by granting a bill of particulars, discovery, continuance, or other appropriate relief when the conduct of the defense would be prejudiced by a

lack of fair notice or by surprise.

c. Grading of swindling and cheating offenses.

(1) Swindling and cheating constitutes a crime of the second degree if the amount involved is \$75,000 or more.

(2) Swindling and cheating constitutes a crime of the third degree if the amount involved exceeds \$500.

(3) Swindling and cheating constitutes a crime of the fourth degree if the amount involved is at least \$200 but not more than \$500.

(4) Swindling and cheating constitutes a disorderly persons offense if the amount involved is less than \$200.

(5) The amount involved in swindling and cheating shall be determined by the trier of fact. Amounts involved in acts of swindling and cheating committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense.

L.1977, c. 110, § 113, eff. June 2, 1977.

Amended by:

L.1979, c. 282, § 38, eff. Jan. 9, 1980.

L.1993, c. 292, § 27, eff. Dec. 21, 1993.

L.2002, c. 65, § 27, eff. Aug. 14, 2002.

5:12-113.1 Use of device to obtain advantage at casino game a disorderly persons offense; forfeiture; notice

a. A person commits a third degree offense if, in playing a game in a licensed casino or simulcasting facility, the person uses, or assists another in the use of, a computerized, electronic, electrical or mechanical device which is designed, constructed, or programmed specifically for use in obtaining an advantage at playing any game in a licensed casino or simulcasting facility, unless the advantage obtained can be assessed a monetary value or loss of \$75,000 or greater in which case the offense is a crime of the second degree.

b. Any computerized, electronic, electrical or mechanical device used in violation of subsection a. of this section shall be considered prima facie contraband and shall be subject to the provisions of N.J.S. 2C:64-2. A device used by any person in violation of this section shall be subject to forfeiture pursuant to the provisions of N.J.S.2C:64-1 et seq.

c. Each casino licensee shall post notice of this prohibition and the penalties of this section in a manner determined by the commission.

L.1991, c. 182, § 46, eff. June 29, 1991.

Amended by:

L.1993, c. 292, § 28, eff. Dec. 21, 1993.

L.2002, c. 65, § 28, eff. Aug. 14, 2002.

5:12-114 Unlawful use of bogus chips or gaming billets, marked cards, dice, cheating devices, unlawful coins; penalty

a. It shall be unlawful for any person playing any licensed gambling game:

(1) Knowingly to use bogus or counterfeit chips or gaming billets, or knowingly to substitute and use in any such game cards or dice that have been marked, loaded or tampered with; or

(2) Knowingly to use or possess any cheating device with intent to cheat or defraud.

b. It shall be unlawful for any person, playing or using any slot machine in a licensed casino:

(1) Knowingly to use other than a lawful coin or legal tender of the United States of America, or to use coin not of the same denomination as the coin intended to be used in such slot machine, except that in the playing of any slot machine or similar gaming device, it shall be lawful for any person to use gaming billets, tokens or similar objects therein which are approved by the commission; or

(2) To use any cheating or thieving device, including but not

limited to tools, drills, wires, coins or tokens attached to strings or wires, or electronic or magnetic devices, to facilitate the alignment of any winning combination or removing from any slot machine any money or other contents thereof.

c. It shall be unlawful for any person knowingly to possess or use while on the premises of a licensed casino, any cheating or thieving device, including but not limited to tools, wires, drills, coins attached to strings or wires or electronic or magnetic devices to facilitate removing from any slot machine any money or contents thereof, except that a duly authorized employee of a licensed casino may possess and use any of the foregoing only in furtherance of his employment in the casino.

d. It shall be unlawful for any person knowingly to possess or use while on the premises of any licensed casino or simulcasting facility any key or device designed for the purpose of or suitable for opening or entering any slot machine or similar gaming device or drop box, except that a duly authorized employee of a licensed casino, of a company authorized to conduct casino simulcasting, or of the commission may possess and use any of the foregoing only in furtherance of his employment.

e. Any person who violates this section is guilty of a crime of the fourth degree and notwithstanding the provisions of N.J.S. 2C:43-3 shall be subject to a fine of not more than \$25,000.00, and in the case of a person other than a natural person, to a fine of not more than \$100,000.00 and any other appropriate disposition authorized by N.J.S. 2C:43-2b.

L.1977, c. 110, § 114, eff. June 2, 1977.

Amended by:

L.1979, c. 282, § 39, eff. Jan. 9, 1980.

L.1993, c. 292, § 29, eff. Dec. 21, 1993.

5:12-115 Cheating games and devices in a licensed casino; penalty

a. It shall be unlawful:

(1) Knowingly to conduct, carry on, operate, deal or allow to be conducted, carried on, operated or dealt any cheating or thieving game or device; or

(2) Knowingly to deal, conduct, carry on, operate or expose for play any game or games played with cards, dice or any mechanical device, or any combination of games or devices, which have in any manner been marked or tampered with, or placed in a condition, or operated in a manner, the result of which tends to deceive the public or tends to alter the normal random selection of characteristics or the normal chance of the game which could determine or alter the result of the game.

b. It shall be unlawful knowingly to use or possess any marked cards, loaded dice, plugged or tampered with machines or devices.

c. Any person who violates this section is guilty of a crime of the fourth degree and subject to the penalties therefor, except that the amount of a fine may be up to \$25,000.00, and in the case of a person other than a natural person, the amount of a fine may up to \$100,000.00.

L.1977, c. 110, § 115, eff. June 2, 1977.

Amended by:

L.1991, c. 182, § 47, eff. June 29, 1991.

**5:12-116 Unlawful possession of device, equipment or other material
illegally manufactured, distributed, sold or serviced**

Any person who possesses any device, equipment or material which he knows has been manufactured, distributed, sold, tampered with or serviced in violation of the provisions of this act is guilty of a crime of the fourth degree and subject to the penalties therefor, except that the amount of a fine may be up to \$25,000.00, and in the case of a person other than a natural person, the

amount of a fine may be up to \$100,000.00.

L.1977, c. 110, § 116, eff. June 2, 1977.

Amended by:

L.1991, c. 182, § 48, eff. June 29, 1991.

**5:12-117 Employment without license, registration, or work permit;
penalty**

a. Any person who, without obtaining the requisite license or registration as provided in this act, works or is employed in a position whose duties would require licensing or registration under the provisions of this act is guilty of a crime of the fourth degree and subject to the penalties therefor, except that the amount of a fine may be up to \$10,000.00, and in the case of a person other than a natural person, the amount of a fine may be up to \$50,000.00.

b. Any person who employs or continues to employ an individual not duly licensed or registered under the provisions of this act in a position whose duties require a license or registration under the provisions of this act is guilty of a crime of the fourth degree and subject to the penalties therefor, except that the amount of a fine may be up to \$10,000.00, and in the case of a person other than a natural person, the amount of a fine may be up to \$50,000.00.

c. (Deleted by amendment, P.L.1991, c. 182.)

d. Any person violating the provisions of subsection 101 e. of this act shall be guilty of a crime of the third degree, and shall be subject to the penalties therefor, except that the amount of a fine may be up to \$25,000.00. Any licensee permitting or allowing such a violation shall also be punishable under this subsection, in addition to any other sanctions the commission may impose.

L.1977, c. 110, § 117, eff. June 2, 1977.

Amended by:

L.1981, c. 503, § 19, eff. Feb. 15, 1982.

L.1987, c. 410, § 10, eff. Jan. 14, 1988.

L.1991, c. 182, § 49, eff. June 29, 1991.

5:12-117.1 Employment or offer to employ by applicant, licensee or registrant of persons prohibited from employment; penalty

a. No applicant or person or organization licensed by or registered with the commission shall employ or offer to employ any person who is prohibited from accepting employment from a licensee or applicant or any holding or intermediary company under section 4 of P.L. 1981, c. 142 (C. 52:13D-17.2).

b. An applicant or person or organization who violates the provisions of this section is guilty of a crime of the fourth degree.

L.1980, c. 69, § 5, eff. July 14, 1980.

Amended by:

L.1980, c. 159, § 3, eff. Dec. 1, 1980.

L.1981, c. 142, § 6, eff. May 14, 1981.

L.1987, c. 410, § 11, eff. Jan. 14, 1988.

5:12-118 Regulations requiring exclusion or rejection of certain persons from licensed casinos; unlawful entry by person whose name has been placed on list; penalty

Any person whose name is on the list of persons promulgated by the commission pursuant to the provisions of section 71 of this act, P.L.1977, c.110 (C.5:12-71), who knowingly enters the premises of a licensed casino is guilty of a crime of the fourth degree.

L.1977, c. 110, § 118, eff. June 2, 1977.

Amended by:

L.1991, c. 182, § 50, eff. June 29, 1991.

L.2002, c. 65, § 29, eff. Aug. 14, 2002.

5:12-119 Gaming by certain persons prohibited; penalties; defenses

a. No person under the age at which a person is authorized to purchase

and consume alcoholic beverages shall enter, or wager in, a licensed casino or simulcasting facility; provided, however, that such a person may enter a casino or simulcasting facility by way of passage to another room, and provided further, however, that any such person who is licensed or registered under the provisions of the "Casino Control Act," P.L. 1977, c. 110 (C. 5:12-1 et seq.), may enter a casino or simulcasting facility in the regular course of the person's permitted activities.

Any person who violates this subsection shall be guilty of a disorderly persons offense and shall be fined not less than \$500 and not more than \$1,000. In addition, the court shall suspend or postpone the person's license to operate a motor vehicle for six months.

Upon the conviction of any person under this section, the court shall forward a report to the Division of Motor Vehicles stating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If a person at the time of the imposition of a sentence is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years.

If a person at the time of the imposition of a sentence has a valid driver's license issued by this State, the court shall immediately collect the license and forward it to the division along with the report. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color, and sex of the person as well as the first and last date of the license suspension period imposed by the court.

The court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in R.S.39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to

acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R.S.39:3-40.

If the person convicted under this section is not a New Jersey resident, the court shall suspend or postpone, as appropriate given the age at the time of sentencing, the non-resident driving privilege of the person and submit to the division the required report. The court shall not collect the license of a non-resident convicted under this section. Upon receipt of a report by the court, the division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

b. Any licensee or employee of a casino who allows a person under the age at which a person is authorized to purchase and consume alcoholic beverages to remain in or wager in a casino or simulcasting facility is guilty of a disorderly persons offense; except that the establishment of all of the following facts by a licensee or employee allowing any such underage person to remain shall constitute a defense to any prosecution therefor:

(1) That the underage person falsely represented in writing that he or she was at or over the age at which a person is authorized to purchase and consume alcoholic beverages;

(2) That the appearance of the underage person was such that an ordinary prudent person would believe him or her to be at or over the age at which a person is authorized to purchase and consume alcoholic beverages; and

(3) That the admission was made in good faith, relying upon such written representation and appearance, and in the reasonable belief that the underage person was actually at or over the age at which a person is authorized to purchase and consume alcoholic beverages.

c. A person who knowingly allows or permits another person who is under his or her lawful care, custody, or control and who is under the age at which a person is authorized to purchase and consume alcoholic beverages to wager or attempt to wager in a licensed casino or simulcasting facility in

violation of subsection a. of this section is guilty of a disorderly persons offense.

L.1977, c. 110, § 119, eff. June 2, 1977.

Amended by:

L.1983, c. 134, § 2, eff. April 13, 1983.

L.1991, c. 182, § 51, eff. June 29, 1991.

L.1992, c. 19, § 36, eff. June 12, 1992.

L.1993, c. 292, § 30, eff. Dec. 21, 1993.

L.2002, c. 65, § 30, eff. Aug. 14, 2002.

5:12-120 Prohibited political contributions; penalty

Any person who makes or causes to be made a political contribution prohibited by the provisions of this act is guilty of a crime of the fourth degree and subject to the penalties therefor, except that the amount of a fine may be up to \$100,000.00, and in the case of a person other than a natural person, the amount of a fine may be up to \$250,000.00.

L.1977, c. 110, § 120, eff. June 2, 1977.

Amended by:

L.1987, c. 410, § 12, eff. Jan. 14, 1988.

L.1991, c. 182, § 52, eff. June 29, 1991.

5:12-121 Authority of gaming licensee and agents to detain or question persons suspected of cheating; immunity from liability; posted notice required

a. Any licensee or its officers, employees or agents may question any individual in the casino or simulcasting facility reasonably suspected of violating any of the provisions of sections 113 through 116 of P.L.1977, c. 110 (C. 5:12-113 through 116) or of section 46 of P.L.1991, c. 182 (C. 5:12-113.1). No licensee or its officers, employees or agents shall be criminally or civilly liable by reason of any such questioning.

b. Any licensee or its officers, employees or agents who shall have

probable cause for believing there has been a violation of sections 113 through 116 of P.L.1977, c. 110 (C. 5:12-113 through 116) or of section 46 of P.L.1991, c. 182 (C. 5:12-113.1) in the casino or simulcasting facility by any person may refuse to permit such person to continue gaming or wagering or may take such person into custody and detain him in the establishment in a reasonable manner for a reasonable length of time, for the purpose of notifying law enforcement or commission authorities. Such refusal or taking into custody and detention shall not render such licensee or its officers, employees or agents criminally or civilly liable for false arrest, false imprisonment, slander or unlawful detention, unless such refusal or such taking into custody or detention is unreasonable under all of the circumstances.

c. No licensee or his officers, employees or agents shall be entitled to any immunity from civil or criminal liability provided in this section unless there is displayed in a conspicuous manner in the casino and, if applicable, the simulcasting facility a notice in bold face type clearly legible and in substantially this form:

"Any gaming licensee or officer, employee or agent thereof who has probable cause for believing that any person is violating any of the provisions of the Casino Control Act prohibiting cheating or swindling in gaming or simulcast wagering may detain such person in the establishment for the purpose of notifying a police officer or Casino Control Commission authorities."

L.1977, c. 110, § 121, eff. June 2, 1977.

Amended by:

L.1991, c. 182, § 53, eff. June 29, 1991.

L.1993, c. 292, § 31, eff. Dec. 21, 1993.

5:12-122 Other offenses; general penalty

Any person who violates any provision of this act the penalty for which is not specifically fixed in this act is guilty of a disorderly persons offense.

L.1977, c. 110, § 122, eff. June 2, 1977.

5:12-123 Continuing offenses

a. A violation of any of the provisions of this act which is an offense of a continuing nature shall be deemed to be a separate offense on each day during which it occurs. Nothing herein shall be deemed to preclude the commission of multiple violations within a day of those provisions of this act which establish offenses consisting of separate and distinct acts.

b. Any person who aids, abets, counsels, commands, induces, procures or causes another to violate a provision of this act is punishable as a principal and subject to all sanctions and penalties, both civil and criminal, provided by this act.

L.1977, c. 110, § 123, eff. June 2, 1977.

Amended by:

L.1987, c. 410, § 13, eff. Jan. 14, 1988.

5:12-124 Exemption from gambling statutes

The provisions of N.J.S. 2A:40-1 shall not apply to any person who, as a licensee operating pursuant to the provisions of this act, or as a player in any game authorized pursuant to the provisions of this act, engages in gaming as authorized herein.

L.1977, c. 110, § 124, eff. June 2, 1977.

Amended by:

L.1987, c. 410, § 14, eff. Jan. 14, 1988.

5:12-125 Racketeer-influenced and corrupt organizations - definitions

For purposes of this section and sections 126 through 129:

a. "Racketeering activity" means (1) any act or threat involving murder, kidnaping, gambling, arson, robbery, bribery, extortion, or dealing in narcotic or other dangerous drugs, which is chargeable under State law and punishable

by imprisonment for more than 1 year; (2) any act which is indictable under any of the following provisions of Title 18, United States Code: section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471 through 509 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891-894 (relating to extortionate credit transactions), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), sections 2314 and 2315 (relating to interstate transportation of stolen property), sections 2421-2424 (relating to white slave traffic); (3) any act which is indictable under Title 29, United States Code, section 186 (relating to restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds); or (4) any offense involving bankruptcy fraud, fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States.

b. "Person" includes any individual or entity holding or capable of holding a legal or beneficial interest in property.

c. "Enterprise" includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

d. "Pattern of racketeering activity" requires at least two acts of

rackeering activity, one of which occurred after the effective date of this act and the last of which occurred within 10 years (excluding any period of imprisonment) after the commission of a prior act of rackeering activity.

e. "Unlawful debt" means a debt (1) which was incurred or contracted in gambling activity which was in violation of the law of the United States, a State or political subdivision thereof; or (2) which is unenforceable under State or Federal law in whole or in part as to principal or interest because of the laws relating to usury; or (3) which was incurred in connection with the business of gambling in violation of the law of the United States, a State or political subdivision thereof; or (4) which was incurred in connection with the business of lending money or a thing of value at a rate usurious under State or Federal law, where the usurious rate is at least twice the enforceable rate.

f. "Documentary material" includes any book, paper, document, record, recording, or other material.

L.1977, c. 110, § 125, eff. June 2, 1977.

5:12-126 Prohibited activities

a. It shall be unlawful for any person who has received any income derived, directly or indirectly, from pattern of rackeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of N.J.S. 2A:85-14 to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in or the activities of which affect casino gaming operations or ancillary industries which do business with any casino licensee. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer or of assisting another to do so, shall not be unlawful under this subsection, provided that the sum total of the securities of the issuer held by the

purchaser, the members of his family, and his or their accomplices in any pattern of racketeering activity or in the collection of an unlawful debt does not amount in the aggregate to one percent of the outstanding securities of any one class, or does not, either in law or in fact, empower the holders thereof to elect one or more directors of the issuer.

b. It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, casino gaming operations or ancillary industries which do business with any casino licensee.

c. It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, casino gaming operations or ancillary industries which do business with any casino licensee, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

d. It shall be unlawful for any person to conspire to violate any of the provisions of subsections a., b., or c. of this section.

e. Any person who violates any provision of this section shall be fined not more than \$50,000.00 or imprisoned not more than twenty years or both and shall forfeit to the State (1) any interest he has acquired or maintained in violation of this section and (2) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise which he has established, operated, controlled, conducted, or participated in the conduct of, in violation of this section.

f. In any action brought by the Attorney General under this section, the Superior Court shall have jurisdiction to enter such restraining orders or prohibitions, or to take such other actions, including, but not limited to, the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under this section, as it shall deem

proper.

g. Upon conviction of a person under this section, the court shall authorize the Attorney General to seize all property or other interest declared forfeited under this section upon such terms and conditions as the court shall deem proper. If a property right or other interest is not exercisable or transferable for value by the State, it shall expire and shall not revert to the convicted person.

L.1977, c. 110, § 126, eff. June 2, 1977.

5:12-127 Civil remedies

a. The Superior Court shall have jurisdiction to prevent and restrain violations of section 126 of this act by issuing appropriate orders, including, but not limited to, ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect casino gaming operations or ancillary industries which do business with any casino licensee; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

b. The Attorney General may institute proceedings in Superior Court for violations of section 126 of this act. In any action brought under this section, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

c. Any person injured in his business or property by reason of a violation of section 126 of this act may sue therefor in any appropriate court and shall recover threefold any damages he sustains and the cost of the suit, including a

reasonable attorney's fee.

d. A final judgment or decree rendered in favor of the State in any criminal proceeding brought under this act shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the Attorney General.

L.1977, c. 110, § 127, eff. June 2, 1977.

5:12-128 Civil investigative demand

a. Whenever the Attorney General has reason to believe that any person or enterprise may be in possession, custody, or control of any documentary materials relevant to an investigation under this act, he may, prior to the institution of a civil or criminal proceeding thereon, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such material for examination.

b. Each such demand shall:

(1) State the nature of the conduct constituting the alleged violation which is under investigation and the provision of law applicable thereto;

(2) Describe the class or classes of documentary material to be produced thereunder with such specificity and certainty as to permit such material to be fairly identified;

(3) Prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

(4) Identify the custodian to whom such material shall be made available.

c. No such demand shall:

(1) Contain any requirement which would be held to be unreasonable if contained in a subpoena duces tecum issued in aid of a grand

jury investigation; or

(2) Require the production of any documentary evidence which would be otherwise privileged from disclosure if demanded by a subpoena duces tecum issued in aid of a grand jury investigation.

d. Service of any such demand or any petition filed under this section may be made upon a person by:

(1) Delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such person, or upon any individual person;

(2) Delivering a duly executed copy thereof to the principal office or place of business of the person to be served; or

(3) Depositing such copy in the United States mail, by registered or certified mail duly addressed to such person at its principal office or place of business.

e. A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be prima facie proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

f. Any person upon whom any demand issued under this section has been duly served shall make such material available for inspection and copying or reproduction to the Attorney General at the principal place of business of such person, or at such other place as the Attorney General and such person thereafter may agree and prescribe in writing, on the return date specified in such demand or on such later date as the Attorney General may prescribe in writing. Upon written agreement between such person and the Attorney General, copies may be substituted for all or any part of such original materials. The Attorney General may cause the preparation of such copies of documentary material as may be required for official use by the Attorney

General. While in the possession of the Attorney General, no material so produced shall be available for examination, without the consent of the person who produced such material, by any individual other than the Attorney General or his duly appointed representatives. Under such reasonable terms and conditions as the Attorney General shall prescribe, documentary material while in his possession shall be available for examination by the person who produced such material or any duly authorized representatives of such person.

g. Upon completion of:

(1) The review and investigation for which any documentary material was produced under this action, and

(2) Any case or proceeding arising from such investigation, the Attorney General shall return to the person who produced such material all such material other than copies thereof made by the Attorney General pursuant to this section which has not passed into the control of any court or grand jury through the introduction thereof into the record of such case or proceeding.

h. When any documentary material has been produced by any person under this section for use in any racketeering investigation, and no such case or proceeding arising therefrom has been instituted within a reasonable time after completion of the examination and analysis of all evidence assembled in the course of such investigation, such person shall be entitled, upon written demand made upon the Attorney General, to the return of all documentary material other than copies thereof made pursuant to this section so produced by such person.

i. Whenever any person fails to comply with any civil investigative demand duly served upon him under this section or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the Attorney General may file in the Superior Court a petition for an order of such court for the enforcement of this section.

j. The provisions of this section shall not apply to any situation covered by the provisions of section 79 of this act, and shall in no way limit the division's authority under that section.

L.1977, c. 110, § 128, eff. June 2, 1977.

5:12-129 Supplemental sanctions

In addition to any penalty, fine or term of imprisonment authorized by law, the commission shall, after appropriate hearings and factual determinations, have the authority to impose the following sanctions upon any person licensed or registered pursuant to this act:

(1) Revoke the license or registration of any person for the conviction of any criminal offense under this act or for the commission of any other offense or violation of this act which would disqualify such person from holding his license or registration;

(2) Revoke the license or registration of any person for willfully and knowingly violating an order of the commission directed to such person;

(3) Suspend the license or registration of any person pending hearing and determination, in any case in which license or registration revocation could result;

(4) Suspend the operation certificate of any casino licensee for violation of any provisions of this act or regulations promulgated hereunder relating to the operation of its casino or, if applicable, its simulcasting facility, or both, including games, internal and accountancy controls and security;

(5) Assess such civil penalties as may be necessary to punish misconduct and to deter future violations, which penalties may not exceed \$10,000.00 in the case of any individual licensee or registrant, except that in the case of a casino licensee the penalty may not exceed \$50,000.00;

(6) Order restitution of any moneys or property unlawfully obtained or retained by a licensee or registrant;

(7) Enter a cease and desist order which specifies the conduct which is to be discontinued, altered or implemented by the licensee or registrant;

(8) Issue letters of reprimand or censure, which letters shall be made a permanent part of the file of each licensee or registrant so sanctioned; or

(9) Impose any or all of the foregoing sanctions in combination with each other.

L.1977, c. 110, § 129, eff. June 2, 1977.

Amended by:

L.1981, c. 503, § 20, eff. Feb. 15, 1982.

L.1993, c. 292, § 32, eff. Dec. 21, 1993.

5:12-129.1 Report of suspicious transaction

The holder of any license issued under P.L.1977, c.110 (C. 5:12-1 et seq.), or any person acting on behalf thereof, shall file a report of any suspicious transaction with the Director of the Division of Gaming Enforcement. For the purposes of P.L.1999, c. 352 (C. 5:12-129.1 et al.), “suspicious transaction” means the acceptance of cash or the redeeming of chips or markers involving or aggregating \$5,000 if the licensee or person knows or suspects that the transaction:

a. involves funds derived from illegal activities or is intended or conducted in order to conceal or disguise funds or assets derived from illegal activities;

b. is part of a plan to violate or evade any law or regulation or to avoid any transaction reporting requirement under the law or regulations of this State or the United States, including a plan to structure a series of transactions to avoid any transaction reporting requirement under the laws or regulations of this State or the United States; or

c. has no business or other apparent lawful purpose or is not the sort of

transaction in which a person would normally be expected to engage and the licensee or person knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction.

L.1999, c. 352, § 1, eff. Jan. 14, 2000.

5:12-129.2 Failure to file report; sanctions

Any person required by section 1 of P.L. 1999, c. 352 (C. 5:12-129.1) to file a report of a suspicious transaction who knowingly fails to file a report thereof or who knowingly causes any other person having that responsibility to fail to file a report shall be subject to the sanctions set forth in section 129 of P.L. 1977, c. 110 (C. 5:12-129). Nothing herein shall be deemed to preclude, if the evidence so warrants, an indictment and conviction for a violation of section 3 of P.L. 1994, c. 121 (C. 2C:21-25) or any other provision of law.

L.1999, c. 352, § 2, eff. Jan. 14, 2000.

5:12-129.3 Record of reports

The Division of Gaming Enforcement shall maintain a record of all reports made pursuant to P.L. 1999, c. 352 (C. 5:12-129.1) for a period of five years. The division shall make the reports available to any State or federal law enforcement agency upon written request and without necessity of subpoena.

L.1999, c. 352, § 3, eff. Jan. 14, 2000.

5:12-129.4 Rules, regulations

The Director of the Division of Gaming Enforcement shall promulgate rules and regulations pursuant to the “Administrative Procedure Act,” P.L. 1968, c.410 (C. 52:14B-1 et seq.), to effectuate the purposes of P.L. 1999, c.

352 (C. 5:12-129.1 et al.). The director may determine that compliance with applicable federal reporting requirements, as may be adopted or amended from time to time, satisfies the reporting requirements of this act.

L.1999, c. 352, § 4, eff. Jan. 14, 2000.

5:12-129.5 Notification to person involved in transaction prohibited; fourth degree crime

Any person who is required to file a report of a suspicious transaction pursuant to the provisions of section 1 of P.L. 1999, c. 352 (C. 5:12-129.1) shall not notify a person involved in the transaction that the transaction has been reported.

Any person who violates the provisions of this section shall be guilty of a crime of the fourth degree.

L.1999, c. 352, § 5, eff. Jan. 14, 2000.

5:12-129.6 Immunity from civil liability

Any person who is required to file a report of a suspicious transaction pursuant to the provisions of P.L. 1999, c. 352 (C. 5:12-129.1) who in good faith makes such a report shall not be liable in any civil action brought by any person for making such a report, regardless of whether the transaction is later determined to be suspicious.

L.1999, c. 352, § 6, eff. Jan. 14, 2000.

5:12-130 Imposition of sanctions-standards

In considering appropriate sanctions in a particular case, the commission shall consider:

- a. The risk to the public and to the integrity of gaming operations

created by the conduct of the licensee or registrant;

b. The seriousness of the conduct of the licensee or registrant, and whether the conduct was purposeful and with knowledge that it was in contravention of the provisions of this act or regulations promulgated hereunder;

c. Any justification or excuse for such conduct by the licensee or registrant;

d. The prior history of the particular license or registrant involved with respect to gaming activity;

e. The corrective action taken by the licensee or registrant to prevent future misconduct of a like nature from occurring; and

f. In the case of a monetary penalty, the amount of the penalty in relation to the severity of the misconduct and the financial means of the licensee or registrant. The commission may impose any schedule or terms of payment of such penalty as it may deem appropriate.

g. It shall be no defense to disciplinary action before the commission that an applicant, licensee, registrant, intermediary company, or holding company inadvertently, unintentionally, or unknowingly violated a provision of this act. Such factors shall only go to the degree of the penalty to be imposed by the commission, and not to a finding of a violation itself.

L.1977, c. 110, § 130, eff. June 2, 1977.

Amended by:

L.1981, c. 503, § 21, eff. Feb. 15, 1982.